

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*In Re: Platinum And Palladium Commodities  
Litigation*

MASTER FILE  
No. 10 Civ. 3617 (WHP)

This Document Relates To:

Platinum/Palladium Futures Action

**DECLARATION OF ERIC J. MILLER ON BEHALF OF A.B. DATA, LTD.**  
**REGARDING NOTICE AND CLAIMS ADMINISTRATION**

I, Eric J. Miller, declare as follows:

1. I am the Vice President of Client Services of A.B. Data, Ltd's Class Action Administration Division ("A.B. Data"). I am over 21 years of age and am not a party to this Action. My business address is 3507 Kyoto Gardens Drive, Suite 200, Palm Beach Gardens, FL 33410, and my telephone number is 561-336-1801. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. I submit this Declaration as a supplement to my January 14, 2015 declarations for both the Moore/Welsh Settlement and the MF Global, Inc. Settlement (the "January 2015 Notice Declarations")<sup>1</sup>. The Notice process is more fully described in these January 2015 Notice Declarations.

3. Section I below details the further mailing of notices based upon supplemental large trader information received by A.B. Data on or about March 25, 2015. This supplemental mailing was completed by March 30, 2015.

---

<sup>1</sup> Capitalized terms not defined in this declaration shall have the meaning provided in the Stipulation and Agreement of Settlement (the "Stipulation").

4. Separately, Section II below details A.B. Data's compliance with the notice provisions set forth in paragraph 3 of the Court's April 13, 2015 Revised Scheduling Order concerning the 1,086 Affected Large Traders (defined in ¶16 below). This process was completed by April 17, 2015.

**I. MARCH 30, 2015 SUPPLEMENTAL MAILING**

**SUPPLEMENTAL DATA FILES**

5. On or about March 25, 2015, A.B. Data received from Futures Plaintiffs two files containing the names and addresses, as well as Firm Names and Account Names, of additional large traders of platinum and palladium contracts during the Class Period on the NYMEX (the "Supplemental Data Files"). A.B. Data's understanding is that the "Firm Names" information reflects names of firms who filed large trader reports and that the "Account Names" information reflects the names of large traders.

6. The Supplemental Data Files were electronically processed by A.B. Data to ensure adequate address formatting and the elimination of duplicate names and addresses.

7. In order to expedite processing, Account Names with two or more unique addresses were not eliminated as duplicates; all records with a unique address were kept.

8. The additional processing resulted in 2,716 distinct records for a supplemental mailing (the "Supplemental Mailing List").

**SUPPLEMENTAL MAILING**

9. As more fully described in the January 2015 Notice Declarations, the initial Notice Packet mailing began on July 22, 2014 for the Moore/Welsh Settlement and began on November 21, 2014 for the MF Global, Inc. Settlement. A separate Notice Packet for each settlement was sent to potential class members.

10. On or about March 30, 2015, A.B. Data caused 2,716 Notice Packets for the Moore/Welsh Settlement and 2,716 Notice Packets for the MF Global, Inc. Settlement to be delivered to the USPS to be mailed via First-Class Mail, postage prepaid, to persons and entities on the Supplemental Mailing List.

11. Each Notice Packet prominently advised potential claimants of the claims filing deadline and advised the claimant of the settlement website to check for any additional updates. This information was displayed both underneath the mailing address of the Account Name and on the reverse side of the mailing packet. The exact language displayed on the packet was:

IMPORTANT CHANGE: Please be advised that under the current schedule proofs of claim must be received by the Settlement Administrator no later than May 13, 2015. Please check the official settlement website for further updates. <http://platinumpalladiumfutureslitigation.com>.

#### **ACCOUNT NAME REVIEW AND MAILING**

12. At the request of Futures Class Counsel, A.B. Data performed an additional review of the Supplemental Data Files to determine whether any of the Account Names in the file had received a Notice Packet in the previous initial Notice Packet mailing.

13. First, A.B. Data further processed the Supplemental Data Files to remove all duplicate Account Names, including those Account Names which had multiple different addresses. After de-duplication, it was determined that there were 1,689 unique Account Names in the Supplemental Data Files.

14. These 1,689 unique Account Names were processed through LexisNexis in an attempt to obtain an updated address. Of these 1,689 unique Account Names processed, 300 addresses were confirmed, 328 new addresses were obtained, and 1,061 records did not return any results. A.B. Data promptly re-mailed the Notice Packets to these potential members of the Futures Class where a new address was obtained.

15. A.B. Data continues to research the 1,061 records that did not return results from LexisNexis. The vast majority of these are foreign entities. As updated addresses are found, A.B. Data promptly re-mails batches of the Notice Packets to these potential members of the Futures Class. To date, 571 addresses have been updated and their Notice Packet re-mailed.

16. A.B. Data compared the unique Account Names from the Supplemental Data Files against the database of Notices Packets previously sent and determined that 603 of the unique Account Names in the Supplemental Mailing had already been sent a Notice Packet. There was no record of the remaining 1,086 large traders (the “Affected Large Traders”) having been previously sent a Notice by A.B. Data.

#### **FIRM NAME REVIEW**

17. As part of the Notice plan more fully described in the January 2015 Notice Declarations, the Notice was sent to futures commission merchants and/or clearing brokers. Those futures commission merchants and/or clearing brokers were requested to provide the name and addresses of their customers to A.B. Data for mailing of a Notice Packet or to request Notice Packets be mailed directly to them so that the futures commission merchants and/or clearing brokers could mail the Notice Packet to their clients directly.

18. At the request of Futures Class Counsel, A.B. Data performed an additional review of the Supplemental Data files to determine whether a Notice Packet had been previously sent to the Firm Name (*i.e.*, firms who filed large trader reports) associated with the Account Name.

19. There were 108 unique Firm Names related to the 1,689 unique Account Names in the Supplemental Data Files. Of the 108 Firm Names, all but six were previously sent a Notice. Additionally, there were nine Firm Names where notice had been sent to a different

branch of the same company. For example, a Notice packet was previously mailed to the New York branch of the broker, but not the London branch.

20. All such firms have been sent a Notice Packet in this supplemental mailing.

## **II. COMPLIANCE WITH APRIL 13, 2015 REVISED SCHEDULING ORDER**

### **REVISED SCHEDULING ORDER MAILING**

21. On April 13, 2015, A.B. Data received a copy the Revised Scheduling Order dated April 13, 2015 which extended certain deadlines for the Affected Large Traders.

22. On April 17, 2015, a copy of the Revised Scheduling Order and a cover letter explaining the Revised Scheduling Order were sent to the most updated address for each of the Affected Larger Traders. A copy of this mailing is attached as Exhibit A.

### **WEBSITE UPDATE**

23. On April 14, 2015, the official settlement website, [PlatinumPalladiumFuturesLitigation.com](http://PlatinumPalladiumFuturesLitigation.com), was updated with a note at the top of the home page which advised the Affected Large Traders of the updated dates and provides a copy of the Revised Scheduling Order. A copy of the homepage of the case specific webpage which shows the update is attached as Exhibit B.

### **CONCLUSION**

24. **March 30, 2015 Supplemental Mailing.** In aggregate, 3,615 additional Notice Packets for the Moore/Welsh Settlement and 3,615 additional Notice Packets for the MF Global, Inc. Settlement have been disseminated to potential members of the Futures Class in the Supplemental Mailing described in Section I above.

25. **April 13, 2015 Revised Scheduling Order.** As set forth in ¶¶21-23 above, the supplemental notice to the Affected Large Traders as set forth in paragraph 3 of the Revised Scheduling Order was completed by April 17, 2015.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 20<sup>th</sup> day of April 2015.



---

Eric J. Miller

# EXHIBIT A

**IMPORTANT LEGAL NOTICE  
FORWARD TO CORPORATE HEADQUARTERS/LEGAL COUNSEL**

---

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*In Re: Platinum And Palladium Commodities  
Litigation*

This Document Relates To:

Platinum/Palladium Futures Action

MASTER FILE  
No. 10 Civ. 3617 (WHP)

**NOTICE OF REVISED SCHEDULING ORDER**

Dear Sir or Madam,

You are receiving this notice in order:

- (1) to inform you that, due to an error, you may not have received mail notice, prior to March 30, 2015, of two class action settlements in the above captioned matter that could affect your rights, and
- (2) to inform you of the Court's recent modification of an important deadline and the imposition of a new deadline (*see* bullets below) related to Plaintiffs' settlements with the Moore Capital Defendants and Defendant Welsh (the "Moore Settlement") and Plaintiffs' settlement with MF Global, Inc. (the "MF Global Settlement" and together with the Moore Settlement the "Settlements").

On July 15, 2014, the Honorable William H. Pauley III granted preliminary approval to the Moore Settlement. On November 14, 2014, Judge Pauley granted preliminary approval to the MF Global Settlement. On February 27, 2015, Judge Pauley granted final approval to the Settlements.

Plaintiffs had previously requested names of large traders who traded in platinum and palladium futures contracts from the New York Mercantile Exchange ("NYMEX"). Plaintiffs learned recently that the list the NYMEX provided was incomplete and omitted certain names (the "Affected Large Traders"). Thereafter, by March 30, 2015, notice of the Moore Settlement and MF Global Settlement was mailed to all the Affected Large Traders.



On April 13, 2015, the Court entered a Revised Scheduling Order which extended certain deadlines for the Affected Large Traders as follows:

- Affected Large Traders who did not receive actual notice of the Settlements prior to March 30, 2015 shall have until **July 27, 2015** in order to submit proof of claim forms to the Settlement Administrator.
- Affected Large Traders who did not receive actual notice of the Settlements prior to March 30, 2015 may also move the Court on or before **June 1, 2015** for any alternative relief (e.g., objections, requests to opt out or other filings).

A copy of the Revised Scheduling Order entered by the Court is enclosed herewith.

Please visit the official settlement website for more information about the Settlements, including proof of claim forms, formal notices for the Settlements, and to obtain further updates. See [www.PlatinumPalladiumFuturesLitigation.com](http://www.PlatinumPalladiumFuturesLitigation.com)

Regards,

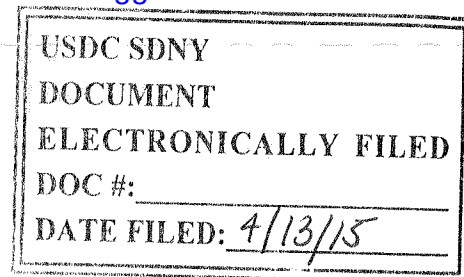
Claims Administrator

The Claims Administrator's contact information is:

**PLATINUM AND PALLADIUM COMMODITIES  
LITIGATION SETTLEMENT—FUTURES ACTION**  
c/o A.B. DATA, LTD.  
PO BOX 170500  
MILWAUKEE, WI 53217-8091

888-206-5360  
[info@PlatinumPalladiumFuturesLitigation.com](mailto:info@PlatinumPalladiumFuturesLitigation.com)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



*In Re: Platinum and Palladium Commodities Litigation*

This Document Relates To:

Futures Action

MASTER FILE  
No. 10 Civ. 3617 (WHP)

**PROPOSED REVISED SCHEDULING ORDER**

WHEREAS, as set forth in Plaintiffs' letter to the Court dated April 10, 2015, the approximately 1,086 large trader Class members listed on Exhibit A hereto<sup>1</sup> ("Affected Large Traders") may not have received mail notice from the Settlement Administrator of Plaintiffs' settlement with the Moore Capital Defendants and Defendant Welsh ("Moore Settlement") and Plaintiffs' settlement with MF Global, Inc. ("MF Global Settlement");

WHEREAS, by letter dated April 10, 2015, Plaintiffs have requested that the Court make a limited extension of certain deadlines set forth in the Court's Order dated October 7, 2014 [Dkt. No. 225] relating to the Moore Settlement; and

WHEREAS, also by letter dated April 10, 2015, Plaintiffs have requested that the Court make a limited extension of certain deadlines set forth in the Court's Order dated November 14, 2014 [Dkt. No. 245] relating to the MF Global Settlement.

**NOTWITHSTANDING ANY PRIOR ORDERS OR JUDGMENTS TO THE CONTRARY, IT IS HEREBY ORDERED THAT** the following deadlines are adjourned as follows:

---

<sup>1</sup> The New York Mercantile Exchange ("NYMEX") has designated the large trader information as Highly Confidential pursuant to the Confidentiality Stipulation and Protective Order entered by the Court on January 10, 2011. Dkt. No. 64. Accordingly, Plaintiffs have respectfully requested leave, pursuant to Section V of this Court's Individual Practices, to file Exhibit A hereto under seal.


1. Affected Large Traders who did not receive actual notice of the Settlements prior to March 30, 2015 shall have until July 27, 2015 in order to submit proof of claim forms to the Settlement Administrator.

2. Affected Large Traders who did not receive actual notice of the Settlements prior to March 30, 2015 and seek any alternative relief shall file and serve any motions, objections or other filings on or before June 1, 2015.

3. The Settlement Administrator shall post this Revised Scheduling Order on the Settlement website. The Settlement Administrator shall also mail notice of the above revised deadlines to the Affected Large Traders.

Dated: New York, New York

April 13, 2015

  
WILLIAM H. PAULEY III  
United States District Judge

# EXHIBIT B

Case 1:10-cv-03617-WHP Document 303 Filed 04/20/15 Page 13 of 13  
In re: Platinum and Palladium Commodities Litigation (Platinum/Palladium Futures Action)

[Home](#)[Moore/Welsh Settlement](#)[MF Global Settlement](#)[Notice](#)[Proof of Claim and Release](#)[Court Documents](#)[Institutional Electronic Filing -  
Broker/Nominee Electronic Filing](#)[Daily Artificiality Tables and  
Calculation Examples](#)[Frequently Asked Questions](#)[Contact Information](#)

This official website is maintained by the Settlement Administrator retained and supervised by Lead Counsel for the Futures Class members in the action entitled, In re: Platinum and Palladium Commodities Litigation (Platinum/Palladium Futures Action), 10-cv- 3617 (WHP) (the "Action"), pending in the United States District Court for the Southern District of New York.

\*\*\*\*\*IMPORTANT UPDATES\*\*\*\*\*

**On April 13, 2015, the Court entered a Revised Scheduling Order for certain Affected Large Traders which extended the deadline to seek alternative relief to June 1, 2015, and also extended the deadline for those Affected Large Traders to submit a proof of claim to July 27, 2015. For a copy of the Order, please [click here](#).**

**On February 27, 2015, the Court held a Fairness Hearing and entered Final Orders and Judgments which finally approved the Moore / Welsh Settlement and the MF Global, Inc. Settlement. For a copy of the Orders, please [click here](#). The updated claims filing deadline is May 13, 2015.**

This website contains information regarding the settlements reached in the above mentioned Action between Futures Plaintiffs and (i) the Moore Defendants and Defendant Welsh, and (ii) Defendant MF Global, Inc. ("MFGI").

For more information regarding the **Moore/Welsh Settlement**, please [click here](#).

For more information regarding the **MF Global, Inc. Settlement**, please [click here](#).

**Please note:** Potential Futures Class members need only submit ONE Proof of Claim and Release form to participate in BOTH the Moore/Welsh Settlement and the MF Global, Inc. Settlement. Please review each settlement webpage for additional details.

**Important Updates:**

1. October 7, 2014: An updated Scheduling Order dated October 7, 2014 has updated the Important Dates and Deadlines section on the Moore Settlement page of this website.
2. November 14, 2014: The Court issued an Order dated November 14, 2014 that set certain deadlines and directed notice of the proposed settlement with MF Global be provided to the Futures Class. More information can be found on the MF Global Settlement page of this website.
3. February 27, 2015: The Court issued the Final Order and extended the claims filing deadline to May 13, 2015.
4. April 13, 2015: The Court issued a Revised Scheduling Order extending deadlines for certain Affected Large Traders.



You will need Adobe Reader to view documents on this site. You can learn more about Adobe Reader and download the latest version by clicking [here](#).